

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



Tu 4

DATE: October 25, 2006

TO: Coastal Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Elizabeth A. Fuchs, Manager, Statewide Planning and Federal Consistency Division
Mark Delaplaine, Federal Consistency Supervisor

RE: Negative Determinations Issued by the Executive Director
[Executive Director decision letters are attached]

PROJECT #:	ND-058-06
APPLICANT:	National Marine Fisheries Service
LOCATION:	Terrace Point, Santa Cruz
PROJECT:	Pump station relocation at NMFS Lab
ACTION:	Concur
ACTION DATE:	9/29/2006

PROJECT #:	ND-074-06
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Numerous locations along the central coast
PROJECT:	Projects to restore seabirds and marine mammals injured by oil spills
ACTION:	Concur
ACTION DATE:	10/11/2006

PROJECT #:	ND-075-06
APPLICANT:	National Park Service
LOCATION:	Santa Monica Mountains National Recreation Area, Los Angeles Co.
PROJECT:	Install seepage pit to replace failed leach field at Circle X Ranch
ACTION:	Concur
ACTION DATE:	10/16/2006

PROJECT #:	ND-076-06
APPLICANT:	Department of the Air Force
LOCATION:	Pillar Point Air Force Station, San Mateo Co.
PROJECT:	Install new telemetry antenna and radome to enclose the antenna
ACTION:	Object
ACTION DATE:	10/16/2006

PROJECT #:	NE-080-06
APPLICANT:	Caltrans
LOCATION:	Post-mile 8.30, Highway 1, Marin Co.
PROJECT:	Storm damage repair
ACTION:	No effect
ACTION DATE:	10/12/2006

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September 29, 2006

Churchill Grimes
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southwest Fisheries Science Center
Fisheries Ecology Division
110 Shaffer Rd.
Santa Cruz CA 95060

Re: **ND-058-06**, NMFS Pump Station Relocation, Terrace Point, Santa Cruz

Dear Mr. Grimes:

On May 11, 1999, the Coastal Commission concurred with NMFS' consistency determination CD-50-98 for the construction of a fisheries research laboratory at Terrace Point in the City of Santa Cruz (CD-50-98). On July 12, 2006, we received a description of your proposal to modify the facility's utilities to provide for an above-ground pump station. NMFS maintains that its original building design preference would have been to build the facility's pump station above ground, but that it modified this design in order to reduce coastal resource impacts "at the suggestion of the Coastal Commission [staff]" by moving the control vaults underground. NMFS now maintains that the subterranean vaults have proven to be problematic and safety hazards, stating:

In spite of fully inspected and approved construction, in wet weather, water leaks through joints and conduits creating the hazardous condition of moisture on the control panels and leaving moisture which condenses on the panels. Also, the underground vaults fall into the OSHA category of "confined spaces", which requires two individuals to be present when one enters the space (which makes after-hours maintenance particularly cumbersome).

Consequently NMFS has submitted a negative determination to relocate the pump control house above ground and further east on the site. The facility would be a 100 sq. ft. (10' x 10' x 10' high) pre-cast concrete pump control house with a flat concrete roof that would be screened from public view by native vegetation. The area at and adjacent to the abandoned facilities would be restored.

When this negative determination was submitted the Commission staff expressed concerns over the need for a 150 ft. buffer from the wetland to the south of the facility and requested that NMFS relocate the revised above ground pump station further north and outside the buffer. NMFS has agreed and has revised its proposal as follows:

We have revised the siting of the pump control housing that was referenced in our previous proposal so that it is now situated outside (to the north) of the buffer zone of the wetlands area (see attaching siting diagram). The new site will be fully buffered from view on the west (by the NOAA building) and south (by existing mature coyote brush and cypress); additional native vegetation will be planted to the north and east of the site to minimize its exposure. Adequate vegetation shall be installed and/or maintained to ensure that the new structure is screened from view as seen from public vantage points.

The existing control vaults (shown on the attached diagram) will be abandoned and the area restored. To accomplish this, these structures will be demolished to below grade level and filled with a soil/slurry. All electrical and mechanical connections will be capped and re-routed. The vaults will be covered with localized topsoil, and planted over with native plants (each of the existing control vaults is adjacent to a series of vaults which will be continuing operation, so this will not be an area where extravagant vegetation is encouraged). In addition to landscape plantings, the open soil will be receptive to re-seeding of local native plants.

We have had considerable success with our landscaped native environment. We used Elkhorn Native Revival Nursery for the original landscape design and planting and irrigation planning and installation. The on-going grounds maintenance is handled by UC Santa Cruz Physical Plant Grounds Services, utilizing all specialty services as necessary. Our stewardship of the landscape has been notable and every effort will be made to continue that practice.

All plants shall be from local stock and shall be species identified in the accompanying table (Table A-3, Possible Revegetation Species) under the headings of "upland buffer," "coastal scrub," and/or "grassland." NMFS shall ensure that all vegetation planted and all existing vegetation relied on for cover/screening, is successful in terms of overall vigor/cover and screening function in perpetuity.

All construction and planting shall be pursuant to currently accepted standards for same, including minimizing the area disturbed, avoiding water quality impacts, and restoring all disturbed areas at the conclusion of construction.


NMFS also notes:

The sewer system collects the sewer waste for all the facilities on the Marine Science Campus (comprised of the Center for Ocean Health, Seymour Center, and Marine Veterinary Center as well as NMFS lab), and pumps it from a subterranean holding tank to an outfall line into the City sewer system. Also, a groundwater management system is adjacent, which collects rainfall run-off in a holding tank and pumps it to a dispersion pipe in the field area. (The relocation of the pump controls will not affect

the existing carrying capacity of the sewage or run-off systems, which have been designed to serve only the currently approved buildings on the UCSC Marine Research Campus).

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." This project is similar to the above-referenced consistency with which the Commission previously concurred (CD-50-98). We agree with your assessment that coastal zone resources will not be adversely affected by the modified project, and that the modifications do not trigger the need for a new consistency determination. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

Attachment (Table A-3)

cc: Santa Cruz District Office
Steve Miller, NMFS Administrative Officer
Alisa Klaus, UC Santa Cruz, Office of Physical Planning and Construction
Physical Planning & Construction
1156 High Street, Barn G
Santa Cruz, CA 95064

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October 11, 2006

David L. Harlow
Acting Field Supervisor
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

Attn: Janet Whitlock

Re: **ND-074-06**, U.S. Fish and Wildlife Service Negative Determination for
Luckenbach Restoration Plan, Humboldt, Marin, San Mateo, and Monterey Counties

Dear Mr. Harlow:

The Commission staff has reviewed the above-referenced negative determination for a series of restoration projects to restore seabirds and marine mammal species injured by releases of oil from the *S.S. Jacob Luckenbach* off the central coast of California, using oil spill restoration funds. The negative determination was submitted on behalf of the federal trustees participating in the restoration planning process for the Luckenbach spill. The Luckenbach trustees include the U.S. Fish and Wildlife Service (Service), the National Park Service (NPS), the National Oceanic and Atmospheric Administration (NOAA) and the California Department of Fish and Game (Fish and Game), (collectively the Trustees)).

The Trustees have selected 14 restoration projects, six of which would be outside (and would not affect) the California coastal zone, two of which require further planning and development before they will be ready for review or analysis under the Coastal Zone Management Act (CZMA), and the remaining six of which would be within the coastal zone but would benefit coastal zone resources. The Service, on behalf of the federal Trustees, has requested that the Coastal Commission staff concur with these restoration projects through the negative determination process. The six projects that are the subject of this negative determination consist of (1) Dune Habitat Restoration at Point Reyes; (2) Common Murre Colony Protection Project in Marin, San Mateo, and Monterey Counties; (3) Corvid Management at Point Reyes; (4) Reading Rock Murre Colony Restoration in Humboldt County; (5) Nesting Habitat Restoration at Año Nuevo Island in San Mateo County; and (6) Sea Otter Pathogens Education and Outreach. The six projects and the federal Trustees' effects analyses are discussed below.

(1) Dune Habitat Restoration at Point Reyes National Seashore

This restoration project is the expansion and continuation of an ongoing effort to restore Western Snowy Plover nesting habitat through eradication of non-native vegetation along the beach foredunes at Point Reyes National Seashore (PRNS). The project involves the systematic, mechanical removal of non-native vegetation from an additional 30 acres of dune habitat and follow-up maintenance by contractors, park staff, and volunteers. Removal of European beachgrass and iceplant will facilitate recolonization by native plants and allow reestablishment of the natural processes controlling dune development.

PRNS contains some of the highest quality remaining coastal dune habitat in the nation and significant breeding and wintering habitat for the Western Snowy Plover. This habitat, however, is seriously threatened by the rapid encroachment of European beachgrass and iceplant. These plants often cover the dunes in thick masses, leaving almost no sand visible. Because Snowy Plovers prefer open expanses of sparsely vegetated dunes, these dense stands of non-native vegetation effectively destroy their nesting and chick-rearing habitat.

The non-native plants will be removed primarily through the use of methods proven to be successful by the Nature Conservancy at Lanphere-Christensen dunes in Arcata, California. The method relies on the use of heavy equipment to dig up and bury non-native vegetation. Pilot projects, including the present one at PRNS, have shown this method to be more successful and more cost-effective than the use of herbicides or removal by hand and shovel.

This project will not impact the marine environment and will benefit land resources through the return of dunes to a more natural state. There will be some very minor, temporary disturbance during project implementation resulting from the use of heavy equipment and the presence of personnel on the beach. However, all of these activities will occur entirely within a unit of the NPS and consequently are not within the coastal zone, as defined in section 304 of the CZMA. Even if they were to occur within the coastal zone, the federal Trustees have determined that, because implementation of the project will be timed to avoid the plover nesting season and to minimize disruption to the birds, there would be no adverse effects on any such resources. Moreover, the California Coastal Commission has previously concluded, by letter dated January 29, 2004, that a "negative determination" was appropriate as to the existing project. In addition, any potential limitations on public access and recreation in PRNS will be very minor, since they would only occur in small areas and then only during the winter months when the plovers are not nesting.

(2) Common Murre Colony Protection Project

The primary goal of this project is to improve the breeding success of the Common Murre by reducing disturbance events at their breeding colonies, with a specific focus on the Farallon Islands, Point Reyes, Drake's Bay, Devil's Slide Rock, and Castle Rock/Hurricane Point.

Breeding seabirds, particularly species like the Common Murre that nest on cliffs or offshore rocks, are highly susceptible to negative impacts caused by human disturbance. When disturbance events occur in seabird colonies, the birds may flee from their nests, leaving their eggs and chicks unprotected from predators and adverse weather conditions. Ravens, gulls, and other predators may quickly move in and predate large numbers of eggs and chicks within a short time (i.e., in less than an hour). Eggs and chicks can also be accidentally knocked off rocks by flushing events, or moved into another bird's territory where they may be attacked or killed.

Human disturbance in California takes numerous forms and includes, but is not limited to, disturbance by low-flying aircraft (private, commercial, and governmental), commercial and recreational fishing boats, sea kayakers, sport divers, surfers, hang gliders, ultralights, and unauthorized entrance onto colonies.

The goal of this project is to reduce disturbance by implementing an outreach and education program involving signs, buoys, and other materials designed to educate recreational and commercial users of the coast about the presence of nesting and roosting seabirds and ways to avoid disturbing these sensitive seabirds. Several specific elements of the project include:

- Erecting signs at coastal launching ramps to educate sport and commercial fishermen, kayakers, surfers, and others about the sensitivity of nearby seabird colonies and of the closure of such areas. Specially produced pamphlets will be distributed through marine supply stores and sporting goods stores.*
- Placing anchored buoys with warnings around key colonies seasonally to establish protection zones and placing signs on selected offshore rocks and sensitive coastal trails. The goal is to protect a small buffer (e.g., ¼ mile) around the colonies described above for a few months during the breeding season.*
- Continuing public outreach to promote awareness of seabird conservation needs through seasonal presentations to community groups and schools.*
- Developing presentations for U.S. Coast Guard pilots (USCG), Highway Patrol, military pilots, and general aviation and ultralight pilots to increase awareness and promote conformance with California Fish and Game Code Sections, National Marine Sanctuary regulations, and Service regulations prohibiting low altitude flights over State Ecological Reserves and Marine Sanctuaries.*
- Developing wildlife interpretive programs and materials to promote public awareness and using these materials to provide seabird viewing opportunities at selected coastal vantage points.*

- *Educating sport fishing charter boat crews to encourage party boats to maintain an appropriate distance from colonies and to advise them on ways to reduce hooking and entanglement conflicts.*
- *Improving surveillance at key colonies to identify unauthorized actions, measure potential impacts upon the colonies, and prioritize future project actions. Enhancing coordination among the project staff, Fish and Game, the Service, NPS, Bureau of Land Management, California Department of Parks and Recreation and NOAA agents will promote more effective enforcement of state and federal statutes and regulations intended to protect such wildlife.*
- *If the entity implementing this project subsequently determines that it is necessary to remove specific ravens to protect a murre colony, it will implement such activity in accordance with applicable law.*

This project will not physically impact the marine environment or land resources, except to the very limited extent that signs or buoys may be placed in it. Signage will be carefully designed and placed so as not to detract from the natural aesthetics of any area.

This project's public access and recreational impacts are expected to be very minimal given that seabird colonies are present in only limited geographical areas along the central California Coast and restrictions will occur only during the nesting season. Wherever these colonies are located, there exist similar recreational opportunities nearby that do not have seabird colonies and that may be utilized by anglers, kayakers, and other ocean users. Consequently, this project will enhance the natural resources of the coastal zone.

(3) Corvid Management at Point Reyes

The Common Murre colonies at the Point Reyes Headlands make up one of the largest colony complexes in California, with over 25,000 pairs. However, these colonies have been subject to regular egg and chick predation by Common Ravens. A recent raven telemetry study at PRNS demonstrated that the ravens responsible for the colony predation are strongly affiliated with nearby cattle ranches, where they feed on grain and carcasses from ranch operations.

This project seeks to reduce raven predation of murrens through a project that will restore ranchland at PRNS to a more natural system, thereby reducing the raven population to a more natural level. Specific project elements include the development of voluntary land management alternatives at dairy ranches (e.g., reduced silage acreage, reduced cattle, and/or changes in cattle feeding practices); removal of non-native trees near the head of Drake's Estero (Monterey pines from an old Christmas tree farm) that are used by over 400 roosting ravens; and, if subsequently determined by PRNS to be necessary, removal of certain resident ravens known to specialize in predation of the murre colony.

This project will not impact the marine environment and will help return land resources at Point Reyes to a more natural state. The raven population in the target areas is expected to decrease to a more natural level as ravens relocate to similar habitat farther from the murre colonies. Furthermore, only non-native species of trees will be removed, not historic trees or native species. If PRNS subsequently determines that it is necessary to remove specific resident ravens to protect the murre colony, it will implement such activity in accordance with applicable law. All of these activities will occur entirely within a unit of the NPS and consequently are not within the coastal zone, as defined in section 304 of the CZMA. Even if they were to occur within the coastal zone, the effects of such activities would be to enhance natural resources. There will be no public access or recreation impacts.

(4) Reading Rock Murre Colony Restoration

This project will contribute toward restoration of a depleted Common Murre colony on Reading Rock, which is located 4 miles off Gold Bluff Beach in Humboldt County. Colony extirpation seems imminent due to human disturbance by USCG personnel servicing an automated light; aircraft and boat disturbances; California Sea Lions hauling out high on the rock; and mortality from the 1997 Kure and 1999 Stuyvesant oil spills.

This project seeks to restore the colony through cooperation between the USCG, Federal Aviation Agency, Fish and Game, and other state and federal agencies to prevent human disturbance of murres. Restoration will be accomplished through breeding season prohibitions against landing and low overflights; installation of buoys to mark boat closures within approximately 200 meters of the rock; installation of small barriers to keep California Sea Lions off the top areas of the rock; and use of social attraction techniques (e.g., decoys, recorded vocalizations, and mirrors) to attract murres to Reading Rock.

This project will have only a nominal impact to the marine environment because the buoys will occupy a very small area during the murre nesting season, approximately four months each year. This project will not impact land resources since California Sea Lions will continue to have access to much of the lower reaches of the rock (where the majority of sea lions haul out). This project's public access and recreational impacts will be inconsequential, given the small area that will be subject to use restrictions and the short time frame of the nesting season. Consequently, this project will benefit and enhance the natural resources of the coastal zone.

(5) Nesting Habitat Restoration at Año Nuevo Island

This project seeks to restore native vegetation on Año Nuevo Island to protect and expand breeding habitat for Rhinoceros Auklets. Año Nuevo Island is located about a half mile offshore at the southern end of San Mateo County and is part of Año Nuevo State Reserve. The small island is a valuable site for many seabirds and marine mammals.

This project will re-vegetate the mostly denuded marine terrace by planting selected mature native plants (salt grass, American dune grass); spreading site-specific native seed (beach bur, lizardtail) between mature plants; distributing straw over seed and between mature plants to hold moisture, provide temporary structure, and provide an alternative source of nesting material for Western Gulls; wrapping erosion control matting on top of the plant and seed layers; designing areas to encourage new auklet burrowing (recruitment); and opening entrances to burrows occupied by auklets in previous years.

Re-establishing an island marine terrace plant community will improve soil stability, reduce erosion and potentially increase protective cover for auklets from predators. This should decrease the loss of auklet nesting areas and increase the amount of suitable habitat for additional colony growth. Restoring the plant community on a portion of Año Nuevo Island has numerous additional benefits beyond the Rhinoceros Auklet. A small number of Cassin's Auklets also nest at the island and may benefit as well. The restored area may also provide songbirds, shorebirds, and other species nesting and migratory stop-over habitat free from exotic predators. Other benefits may include increased habitat for amphibians, pollinators, and other terrestrial invertebrates that once inhabited the island.

This project will have no adverse impacts on the marine environment, since pinnipeds do not pup on the central terrace, but rather use the beaches and rock islets. Land resources will benefit, as the project will return the marine terrace to a more natural state. In addition, auklet habitat restoration will not reduce the space currently available for roosting Brown Pelicans and cormorant species. There will be no public access or recreation impacts beyond those already in place since human access is already tightly controlled.

(6) Sea Otter Pathogens Education and Outreach

This project aims to educate the public regarding the connection between anthropogenic sources of pollution, Sea Otter diseases and mortality, and Sea Otter population recovery. Since the discovery of the connection between these pollution sources and otter mortality (in 2002), this will be the first large-scale coordinated attempt to enlist the cooperation and support of the public regarding this issue. Dairy farmers, boat owners, homeowners, and cat owners are examples of those who will be targeted with educational messages.

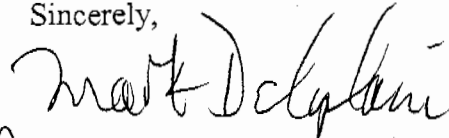
Specific project elements will include the synthesis of existing data on non-point source pollution (pathogens and chemicals) and other causes of mortality in Sea Otters and the use of this information to create graphic and multimedia educational materials for public outreach in various forums, including the website www.seaotterresearch.org, the Long Marine Lab Seymore Marine Discovery Center in Santa Cruz, Defenders of Wildlife-Sea Otter Awareness Week 2006 and 2007, Monterey Bay Aquarium, UCSC-Seymore Marine Discovery Center, Elkhorn Slough National Estuarine Sanctuary, and the magazine "Outdoor California."

Because this is an education and outreach project that relies upon voluntary actions by the public to reduce pollution, this project will have no direct impacts on the land resources or the marine environment. To the extent that it is successful in reducing pollution in the marine environment the effects should benefit not only otters, but other marine resources. In addition, there will be no recreational use or access impacts; any changes in coast user behavior will be voluntarily.

The Commission staff **agrees** with the Trustees that the proposed restoration projects will not adversely affect coastal resources and in fact are intended to benefit coastal zone resources. Moreover, the Service and the Trustees have agreed that certain elements of the RP/EA require further planning and environmental review, which will be carried out by the implementing agencies. In addition, the Point Reyes Corvid Control and the Common Murre Colony Protection projects include the potential for active removal of certain corvids, although the decision whether to do so has been delegated to the implementing agencies. Because these decisions have been deferred and/or delegated, they are not covered by this Negative Determination. Should any future coordination with the Commission staff be required, it will be conducted by the implementing agencies.

Consequently, we **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: North Coast, North Central, and Central Coast District Offices

CALIFORNIA COASTAL COMMISSION

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October 16, 2006

Woody Smeck
Superintendent
Santa Monica Mountains National Recreation Area
ATTN: Larry Dirk
401 West Hillcrest Drive
Thousand Oaks, CA 91360-4207

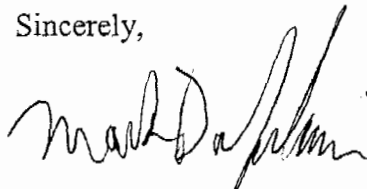
Subject: Negative Determination ND-075-06 (Install seepage pit at Circle X Ranch, SMMNRA,
Ventura County)

Dear Mr. Smeck:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to install a seepage pit adjacent to the Ranch House at Circle X Ranch in the Santa Monica Mountains National Recreation Area (SMMNRA). Currently there is a failing leach field adjacent to the Ranch House, and after installing the proposed seepage pit the NPS will use the two facilities alternatively every other year, allowing each to dry out during the year when not in use. The seepage pit will be located at least 150 feet from any nearby streams and well outside the drip line of oak trees on the site. The proposed project will provide an improved sewage system to protect water quality and environmentally sensitive resources on the site, and allow for the Circle X Ranch House to be used by the public on a year round basis.

The Commission staff agrees that the proposed seepage pit at SMMNRA will not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: CCC - South Central Coast District
California Department of Water Resources
Governor's Washington, D.C., Office

CALIFORNIA COASTAL COMMISSION

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October 16, 2006

Gary Johnson, Chief
Environmental Planning
Environmental Flight
Department of the Air Force
30th Space Wing
30 CES/CEV
1515 Iceland Ave., Room 181C
Vandenberg AFB, CA 93437-5319

Re: **ND-076-06**, Air Force Negative Determination, Antenna replacement, Pillar Point,
San Mateo Co.

Dear Mr. Johnson:

The Coastal Commission staff has received the above-referenced negative determination for the installation of a new telemetry antenna (and related utilities and interior building repairs) at its Pillar Point facility in San Mateo County, just north of Pillar Point Harbor. The Air Force has historically used its Pillar Point facility to track rocket launches from Vandenberg Air Force Base (VAFB), and from 1969 until 1996, the site contained an 80 ft. diameter telemetry antenna. Eventually, corrosion rendered that antenna unusable, and on June 12, 1997, the Coastal Commission staff concurred with the Air Force's negative determination for the removal of the then-existing, 80 ft. tall antenna (ND-072-97).

In that Commission staff concurrence letter we noted the benefits to the highly scenic area from removal of the antenna, which was by far the most visually intrusive structure at the site. Neither the Air Force's submittal in 1997 nor our response letter mentioned a replacement antenna. It took the Air Force several years to obtain the necessary funding for a replacement antenna, and in the interim period the Air Force has had to rely on temporary tracking devices at Pillar Point to track VAFB launches. After being informed by the Commission staff of the need for a federal consistency submittal (a negative determination or a consistency determination) for the new antenna, on September 28, 2006, the Air Force submitted a negative determination for the replacement antenna. In that submittal, and in response to questions raised by the Commission staff, the Air Force maintains that the proposed 62 ft. diameter radome (with a 44 ft. diameter antenna inside it), replacing the pre-existing (until 1997) 80 ft. diameter radar antenna, would not affect scenic views because it would be less massive than the pre-existing antenna. In addition, in responding to Commission staff questions concerning the need for the project, visual impacts, and alternatives, the Air Force has responded:

Justification

The Pillar Point Telemetry (TM) Station is a vital element in the total data collection capacity of the Western Range telemetry system. The location provides excellent tracking geometry for the reception of high quality telemetry data for ballistic missiles launched from Vandenberg AFB (VAFB). The telemetry data is recorded on site and relayed directly to VAFB in real time so that safety personnel can maintain real time control of missiles.

The Western Range also receives telemetry data from its facilities at VAFB. However, for ballistic missile launches the TM signals received at VAFB are attenuated from passing through the missile's exhaust during critical times of the flight. The tracking equipment at Pillar Point provides a "side view" of the missile flight and ensures that telemetry data is consistently collected. Safety requirements of the range do not allow for single points of failure in critical instrumentation, including telemetry equipment, and so two TM antennas at Pillar Point are required. This is especially important because future ballistic missile launches will use TM signals to convey tracking information from Global Positioning System equipment onboard the missile instead of using more expensive ground-based radar tracking systems.

The original 80-foot dish antenna at Pillar Point was removed in 1996 due to severe corrosion problems. Without it, telemetry reception from Pillar Point has been limited to use of the remaining 40-foot dish, but this does not meet the necessary safety requirements. A replacement antenna for the 80-foot dish antenna was delayed by funding constraints. Due to improved radio technology the new 44-foot antenna can provide adequate telemetry reception using a smaller dish than the older 80-foot antenna. The smaller antenna, protected from the elements by its 62-foot radome cover, will also substantially reduce maintenance costs compared to that of the old 80-foot dish.

Alternative Locations

As pointed out above, the location of the Pillar Point Telemetry Station provides excellent geometry for obtaining high quality telemetry data from ballistic missile launches. Within the Pillar Point station itself, the site where the 80-foot antenna was located is the best spot to prevent the new antenna from blocking observations of other TM, radar, and command transmitter antennas at the facility.

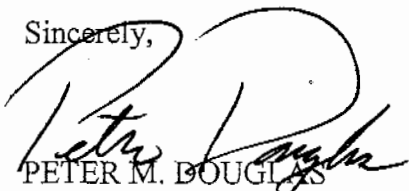
Visual Effects

The new radome will be less visually intrusive than the towering 80-foot dish it replaces. It will be installed on the same 45-foot pedestal that the 80-foot dish antenna was mounted on. An 11-foot collar is placed on top of the pedestal to support the radome. The radome itself will rise another 53.25 feet above the collar. The total height of the new configuration will be 109.25 feet. The total height of the previous antenna configuration ranged from approximately 130 feet to 150 feet, depending on the angle of the antenna. Therefore, the height of the new radome will be between 20-40 feet less than the former 80-foot dish, and its diameter will be 18 feet smaller.

In its negative determination, the Air Force concludes that the proposed project would not adversely affect coastal uses or resources, because the proposed new antenna would be smaller than the previously-existing antenna. While the Commission staff appreciates the Air Force's timely responses to the questions we have raised, we believe the above information is incomplete, and we **disagree** with the Air Force's conclusion that a negative determination process is the proper procedural mechanism for review of this project. Due to: (a) the highly scenic nature of the site; (b) its high visibility from a large number of public viewpoints nearby; and (c) the approximately 10 year length of time that has elapsed since removal of the previously existing antenna, we believe there can be no question that the facility will adversely affect currently available public views, that the project would affect coastal zone visual resources, and that a consistency determination rather than a negative determination is required. This consistency determination will need to provide a greater level of analysis to address the following factors:

- 1) whether alternative locations are available, either within the Pillar Point site itself or at other coastal locations;
- 2) whether alternative technologies are available to track launches from VAFB;
- 4) an explanation of why the antenna needs to be elevated so high above the ground (and if so, whether it could be raised during times of use and lowered to the ground when not in use);
- 5) whether alternative colors are feasible that might be considered for the antenna and/or its base (e.g., earth/sky tones);
- 6) whether landscaping could screen the facility and soften the edges of structures as seen from public views from Highway 1 and other areas to the east of the facility; and
- 7) if the facility cannot be screened, whether public access and/or public viewing improvements in the area are warranted to offset the effects on recreational quality.

In conclusion, the Coastal Commission staff disagrees with the Air Force's conclusion that the proposed project would not affect coastal zone uses or resources. We, therefore, **object** to the negative determination made pursuant to 15 CFR Section 930.35 and request submittal of a consistency determination. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5292.

Sincerely,

PETER M. BOUGLAS
Executive Director

cc: North Central Coast District Office
OCRM

CALIFORNIA COASTAL COMMISSION

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October 16, 2006

Kathleen Stycket
Caltrans, District 4
111 Grand Ave.
P.O. Box 23660
Oakland, CA 94623-0660

Re: **NE-080-06**, Caltrans, Consistency Certification, Post-mile (PM) 8.30, Highway 1,
Slide Ranch Storm Damage Repair Project, Highway 1, Marin Co.

Dear Ms. Stycket:

The Coastal Commission staff received your October 5, 2006, letter requesting Commission staff federal consistency authorization for Highway 1 repairs at PM 8.30 on Highway 1, north of Slide Ranch. The repairs would include construction of a 17 ft. high, 410 ft. long, retaining wall, (with metal pile foundations, natural wood lagging, and one row of horizontal tie-back anchors), a 10 foot-wide bench directly below the retaining wall (primarily for maintenance purposes), replacement of two existing drainage inlets and cross-culverts, installation of a junction box and associated drainage pipes, roadway reconstruction and resurfacing, and installation of a metal beam guard rail and cable safety railing on top of the retaining wall.

The repairs are needed to maintain public access and for public safety. Heavy rains last spring caused damage to the highway. Caltrans believes the activity to be exempt from coastal development permitting requirements under the Commission's repair and maintenance regulations. However, due to federal funding and portions of the activity being located on federal land (outside the existing right-of-way), the federal consistency procedures are triggered. Caltrans is currently pursuing eight repairs along this stretch of Highway 1; however this certification is only for the repairs at PM 8.30.

The project would avoid wetlands and environmentally sensitive habitat areas (ESHAs), would include Best Management Practices to protect water quality (including the use of Erosion Control Fiber rolls, temporary fencing to protect nearby sensitive habitat areas, and temporary silt fences), and revegetation of temporarily disturbed areas with native vegetation. Surplus material generated from the project will be used to backfill the lower sections of the retaining wall prior to re-vegetation and restoration. Any related construction materials or additional soils not suitable for restorative use will be disposed of at an approved off-site location.

Caltrans has coordinated with the Commission staff, the California Dept. of Parks and Recreation, the Golden Gate National Recreation Area (GGNRA), and other agencies, and has included measures to address visual and access/recreation concerns. Although the project will

involve temporary highway closures, popular visitor destinations will remain accessible throughout the area via alternate routes (such as via Panoramic Highway). Caltrans states:

Highway 1 will be closed on a temporary basis, limiting access to the roadway itself for an estimated 4 to 6 months. These closures will not affect the public's ability to use any portions of the coast between PM 4.0 and 11.95, though it will require a variety of detours to reach popular destinations

During the construction period, the Panoramic Highway will serve as the alternate route for coastal travelers. This scenic 2-lane road bisects Mt. Tamalpais State Park, and has been the preferred "local route" for West Marin residents for decades. In part, this is due to the deteriorated and un-safe condition of Highway 1.

Access to Slide Ranch will not be affected by the closure of the highway as the entrance to the ranch is before the repair location at approximately PM 8.0.

Between PM 8.3 and 10.0, there are no locations where public access to the shoreline would be impacted by the project, as there are no locations where access is available from above or below the Highway, until approximately PM 10.7. At PM 10.7, the Rocky Point Trail intersects Highway 1 just south of the Lone Tree Fire Road, and provides access for hikers to Steep Ravine.

The closest State Park facility to the project area is the Steep Ravine Environmental Campground. Steep Ravine is located on a marine terrace about 1 mile south of Stinson Beach, and features ten rustic Cabins and six campsites, designed by Berkeley architect Andrew Wurster, in the 1930s. Aside from the Slide Ranch facility to the south at PM 8.0, there are no residents on this section of Route 1. As stated above, visitors and registered campers would access Steep Ravine via the Panoramic Highway, and then continue south on Highway 1 at approximately PM 12.0. The project would not impede or restrict current access to the cabins, or existing public trail access, via the Rocky Point Trail and Steep Ravine access road, to the pocket beach below Webb Creek.

Caltrans also notes that long term access impacts will be beneficial, stating: "... once repairs are completed, visitors will be able to travel a continuous route from Mill Valley to Stinson Beach on Highway 1, and enjoy uninterrupted vistas of the coast."

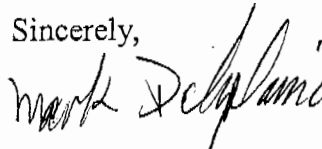
Concerning visual issues, Caltrans maintains that design options and treatments have been incorporated to minimize any incompatibility or visual impacts, stating:

In the early stages of designing an appropriate treatment for the proposed retaining walls, Caltrans met with Coastal Commission and GGNRA staff to determine what design features, color and texture, would be most compatible with the surrounding coastal landscape, and consistent with several retaining walls that are currently in place along this section of Highway 1.

The retaining wall ... [proposed is similar to one] currently in place on a section of Highway 1, in Sonoma County, and the design of the walls was conceptually approved by Commission and GGNRA staff for the repairs at PM 10.50. Caltrans will use this same design, natural wood lagging and earth colored horizontal tie-backs, on all of the repair locations. Metal beam guard railings (MBGR) at the roadway level, and see-thru galvanized cable safety railings with vertical stanchions, will also be uniformly used. The retaining walls have been designed to be visually compatible with the character of the landscape and the surrounding parklands. Over time, as the natural wood materials become faded and weathered, the exterior color of the walls become even less visible, incorporating the natural elements of the landscape as they age.

In conclusion, the project is necessary for (and will in the long term benefit) public access, and Caltrans has minimized visual and temporary adverse access impacts. With Caltrans' compliance with the resource protection measures contained in its submittal, including the above-described measures to minimize access and visual impacts, protect water quality, and avoid ESHA and wetland impacts, the Commission staff agrees with Caltrans that it is appropriate to waive federal consistency jurisdiction for this repair project. Therefore, the Commission staff has decided not to act on this consistency certification. This letter is not an agreement or disagreement with Caltrans' position that the project is exempt from Commission or County coastal development permit requirements; this letter only applies to any federal consistency requirements. Any residual public access, visual, or other impacts, including cumulative impacts on access from the multiple highway closures we anticipate we will be reviewing in the near future for the related Highway 1 repair projects, can be addressed during those future reviews (and/or through use of the federal consistency reopener provisions if this repair project's impacts are more extensive than described). Therefore, pursuant to regulations implementing the Coastal Zone Management Act, the Commission's concurrence in your consistency certification "shall be conclusively presumed" if the Commission does not either concur in or object to that certification (15 CFR § 930.62(a)). If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: North Central District Office
Tami Grove

[Note: this letter supersedes 10.12.06 version]